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	Filing Date	September 7, 1999	
	First Named	Andrew D. Murdin	
	Group Art Unit	1633	
	Examiner Name	M. Wilson	
Total Number of Pages in This Submission	4	Attorney Docket Number	1038-971 MIS

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Michael I. Stewart - Reg. No. 24,973
Signature	<i>M. I. Stewart</i>
Date	April 26, 2001

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Applicant : Andrew D. Murdin. et al  
Appl'n. No. : 09/391,606  
Filed : September 7, 1999  
Title : IMMUNOGENIC COMPOSITIONS FOR PROTECTION  
AGAINST CHLAMYDIAL INFECTION  
Grp./A.U. : 1633  
Examiner : M. Wilson  
Docket No. : 1038-971 MIS

April 26, 2001

**BY COURIER**

The Commissioner of Patents  
and Trademarks,  
Washington, D.C. 20231,  
U.S.A.

Sir:

This Communication is in response to the Office Action of March 28, 2001.

The Examiner required election of one SEQ ID NO: as the first nucleic acid and one SEQ NO: as the second nucleic acid. In view of the requirement, the applicants elect SEQ ID NO: 13 as the first nucleic acid and SEQ ID NO: 3 as the second nucleic acid.

The Examiner's justification for the restriction requirement as contained in the Office Action is that:

"... the numerous sequences encompassed by the claims require too much time to search and the search is considered burdensome."

Applicants have already been subject to one restriction requirement with respect to the species of *Chlamydia*. Applicants claim 1 is not limited to any specific SEQ ID NO.



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With respect to the SEQ ID NOs. specified in subsidiary claims, it is submitted that there is no undue burden. The SEQ ID's are identified as follows:

Figure 1 shows the nucleotide sequence of *C. pneumoniae* 76 kDa gene:

- SEQ ID NO:1 – complete sequence
- SEQ ID NO:2 – 5' encoding region
- SEQ ID NO:3 – 3' encoding region including Myc and His encoding regions
- SEQ ID NO:4 – 3' encoding region excluding Myc and His encoding regions
- SEQ ID NO:5 – Myc encoding region
- SEQ ID NO:7 – amino acid sequence encoded by upstream reading frame
- SEQ ID NO:8 – amino acid sequence encoded by downstream reading frame including Myc and His regions
- SEQ ID NO:9 – amino acid sequence encoded by downstream reading frame excluding Myc and His regions
- SEQ ID NO:10 – amino acid sequence of Myc region
- SEQ ID NO:11 – amino acid sequence of His region

Accordingly, SEQ ID NOS: 1 to 11 all relate to the same nucleotide sequence and hence there is no undue burden presented by the individual sequences identified by SEQ ID NOS: 1 to 11.

Figure 3 shows the nucleotide sequence of *C. pneumoniae* MOMP gene:

- SEQ ID NO:12 – complete sequence
- SEQ ID NO:13 – encoding sequence including Myc and His encoding regions
- SEQ ID NO:14 – encoding sequence excluding Myc and His encoding regions
- SEQ ID NO:15 – amino acid sequence of the MOMP protein, including Myc and His regions
- SEQ ID NO:16 – amino acid sequence of the MOMP protein excluding Myc and His regions

Accordingly, SEQ ID NOS: 12 to 16 all relate to the same nucleotide sequence and hence there is no undue burden presented by individual sequences identified by SEQ ID NOS: 12 to 16.



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The various SEQ ID NOS., therefore, relate to two gene sequences, namely that of the *C. pneumoniae* 76 kDa gene and that of the *C. pneumoniae* MOMP gene. It cannot be seen that this represents an undue burden on the Examiner for examination purposes. It is submitted that all species should be examined in this application.

However, having regard to the Examiner's requirement, applicants have made the election contained herein. This election is made without prejudice to applicant's right, should a generic claim be allowed, to have other species considered.

Respectfully submitted,

SIM & McBURNEY

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